

Message Text

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ACTION OES-04

INFO OCT-01 EUR-12 IO-10 ISO-00 FEA-01 EB-07 NRC-05

CIAE-00 H-02 INR-07 L-02 NSAE-00 OIC-02 OMB-01 PA-01

PM-03 PRS-01 SAJ-01 SAM-01 SP-02 SS-15 USIA-06

TRSE-00 DODE-00 NSC-05 ACDA-05 BIB-01 (ISO) W

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R 221457Z MAY 75

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 5879

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY MADRID

AMEMBASSY ROME

AMEMBASSY THE HAGUE

USMISSION EC BRUSSELS

USMISSION GENEVA

AEC GERMANTOWN

LIMITED OFFICIAL USE IAEA VIENNA 4445

EO 11652: N/A

TAGS: TECH, PARM, EEC, FR

SUBJ: IAEA SAFEGUARDS IN FRANCE AND EURATOM/IAEA NPT VERIFICATION AGREEMENT

GENEVA FOR USDEL REVCON

REF: (A) BONN 7889; (B) PARIS 12913; (C) IAEA VIENNA 1960 (NOTAL)

1. FOLLOWING MAY HELP TO CLARIFY REPORTS PROVIDED

REFS A AND B.

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2. MISSION NOTED IN PARA 3 REF C (REPEATED FOR INFO TO BONN IN CONNECTION FRG/BRAZIL NUCLEAR DEAL), FRENCH AND IAEA HAVE BEEN NEGOTIATING SAFEGUARDS AGREEMENT, WHICH IS SIMILAR TO UK/IAEA SAFEGUARDS AGREEMENT CONCLUDED IN DECEMBER 1972 (REPRODUCED IN IAEA DOCUMENT INFCIRC/175), AND WHICH IS INTENDED TO APPLY ONLY IN SPECIFIC CASES WHERE NUCLEAR MATERIAL IN NON-NPT PARTY STATES ALREADY SUBJECT TO IAEA SAFEGUARDS PURSUANT TO SAFEGUARDS AGREEMENTS BASED ON AGENCY'S SAFEGUARDS SYSTEM OUTLINED IN IAEA DOCUMENT INFCIRC/66/REV. 2 (WHICH PRECEDED NPT AND HAS SOME DIFFERENCES FROM SAFEGUARDS SYSTEM DEVELOPED FOR NPT REPRODUCED IN IAEA DOCUMENT INFCIRC/153) WOULD BE TRANSFERRED FOR SOME REASON TO FRANCE, E.G., FOR REPROCESSING. UNDER INFCIRC/66-TYPE AGREEMENTS, E.G. U.S./IAEA/SPAIN TRILATERAL SAFEGUARDS AGREEMENT, IAEA SAFEGUARDS MUST CONTINUE TO APPLY TO PRODUCED MATERIAL, I.E., PLUTONIUM, GENERATED WHILE SUBJECT TO SAFEGUARDS UNDER THOSE AGREEMENTS, REGARDLESS OF WHERE SUCH MATERIAL IS SENT (INCLUDING RETURN TO U.S.) UNLESS, OF COURSE, THE QUANTITY IS SMALL ENOUGH TO BE EXEMPTED OR SUSPENDED FROM SAFEGUARDS, OR UNLESS AN EQUIVALENT QUANTITY OF NON-SAFEGUARDED MATERIAL IS SUBSTITUTED AND MADE SUBJECT TO SAFEGUARDS.

3. SIMILAR SITUATION DOES NOT PREVAIL UNDER INFCIRC/153-TYPE (NPT) AGREEMENTS, BECAUSE THERE IS NO NPT OBLIGATION IN NPT FOR NUCLEAR WEAPON STATES TO ACCEPT IAEA SAFEGUARDS, E.G., EXPORTS OR RE-TRANSFERS OF NUCLEAR MATERIAL FROM A NON-NUCLEAR WEAPON STATE PARTY TO NPT TO FRANCE WOULD NOT REQUIRE THE APPLICATION OF IAEA SAFEGUARDS WHILE IN FRANCE.

4. OUR SPECULATION REF C THAT RATIONALE BEHIND THIS PROPOSED FRENCH/IAEA SAFEGUARDS AGREEMENT WAS RELATED TO FRENCH DESIRE (OR PLANS) TO GET SOME REPROCESSING BUSINESS HAS BEEN BORNE OUT BY REPORT REF B THAT FRANCE INTENDS TO REPROCESS FUEL FROM SPAIN. (UK/IAEA SAFEGUARDS AGREEMENT MENTIONED ABOVE WAS FOR SAME PURPOSE, I.E., REPROCESSING FUEL FROM ZORITA POWER REACTOR IN SPAIN).

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5. EXACTLY HOW PROPOSED FRENCH/IAEA AGREEMENT WILL BE IMPLEMENTED DEPENDS ON SEVERAL FACTORS. WE UNDERSTAND, FOR EXAMPLE, THAT FRANCE INTENDS TO CONSULT IN NEAR FUTURE WITH EC ON THIS QUESTION, AND IT IS VERY LIKELY THAT, WHILE IAEA-SAFEGUARDED MATERIAL IS IN PARTICULAR FACILITY IN FRANCE, SUCH FACILITY MAY ALSO SIMULTANEOUSLY BE SUBJECT TO EURATOM SAFEGUARDS. WE ALSO UNDERSTAND FRANCE SEE NO NPT PARTICULAR PROBLEM WITH THIS,

SINCE IT WOULD BE ONLY FOR LIMITED PERIODS AND REQUIRED REPORTING WOULD BE COMPATIBLE. (NOTE THAT FRENCH COULD ALSO SUBSTITUTE AN EQUIVALENT AMOUNT OF PLUTONIUM IN SOME OTHER LOCATION FOR APPLICATION OF IAEA SAFEGUARDS FOR LIMITED PERIOD INVOLVED, IF THEY WISH TO AVOID HAVING IAEA INSPECTORES CONDUCTING INSPECTIONS AT REPROCESSING PLANT).

6. AT ANY RATE, IT IS CLEAR THAT FRANCE HAS NO RPT INTENTION OF PLACING ALL OF ITS CIVIL NUCLEAR FACILITIES UNDER IAEA SAFEGUARDS, AND THAT WITH POSSIBLE EXCEPTION OF CERTAIN DETAILS IN IMPLEMENTATION, FRENCH/IAEA SAFEGUARDS AGREEMENT IS NOT RPT NOT RELATED TO ARRANGEMENTS FOR ENTRY INTO FORCE OF EURATOM/IAEA VERIFICATION AGREEMENT. LEAHY

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